

JAN 24 2019

A BILL FOR AN ACT

RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 302A-803, Hawaii Revised Statutes,
2 is amended by amending subsection (d) to read as follows:

3 "(d) The board may delegate to its executive
4 director, or other designee, any of its powers and duties
5 as it deems reasonable and proper; provided that the
6 delegation of powers and duties by the board shall be made
7 in accordance with procedures set forth in this
8 subsection. The board shall not delegate its discretionary
9 functions resulting in a final decision in:

10 (1) Adopting, amending, or repealing rules;

11 (2) Ordering disciplinary action against a licensee,
12 including license revocation or suspension, or
13 the imposition of conditions or fines; provided
14 that summary suspensions may be delegated; or

15 (3) ~~[Granting or denying]~~ Denying permits or
16 licenses, including license renewals and
17 reinstatements, or otherwise conditioning permits
18 or licenses, unless the ~~[granting,]~~ denying, or

1 otherwise conditioning of a permit or license
2 does not require the exercise of the board's
3 expertise and discretion.

4 To delegate authority, the concurrence of a majority
5 of the members to which the board is entitled shall be
6 necessary for any action taken by the board to be valid.
7 The board shall conduct its meetings to delegate powers and
8 duties to its executive director, or other designee, in
9 accordance with chapters 91 and 92."

10 SECTION 2. Section 302A-804, Hawaii Revised Statutes,
11 is amended to read as follows:

12 **"§302A-804 Powers and duties of the department,**
13 **commission, and charter schools.** (a) The department,
14 commission, and charter schools shall retain all of their
15 rights and powers except for the authority provided to the
16 board under this subpart.

17 (b) The department's powers and duties under this
18 subpart shall be limited to:

- 19 (1) Hiring, except in emergency situations as
20 described in this chapter, licensed teachers to
21 teach in their fields of licensing;
22 (2) Reporting data annually to the board about the

1 supply of, and demand for, teachers in department
2 schools, including the identification of shortage
3 areas, out-of-field teaching assignments, numbers
4 of classrooms without a licensed teacher for a
5 quarter or more, numbers of teachers teaching
6 out-of-field, numbers and types of courses and
7 classes taught by out-of-field teachers, and
8 numbers and types of students taught by out-of-
9 field teachers;

10 (3) On an emergency and case-by-case basis, hiring
11 unlicensed individuals; provided that:

12 (A) A list of the names, work sites, teaching
13 assignments, and progress toward licensing
14 of these individuals shall be reported to
15 the board and any changes shall be updated
16 on a monthly basis by the department;

17 (B) There are no properly licensed teachers
18 for the specific assignments for which the
19 individuals are being hired; and

20 (C) No individual may be employed by the
21 department on an emergency basis for more
22 than three years. During this time, the

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1 individual shall demonstrate active pursuit
2 of licensing in each year of employment;
3 (4) Submitting an annual report to the board
4 documenting:
5 (A) The number of emergency hires in department
6 schools by subject matter areas and by
7 school;
8 (B) The reasons and duration of employment for
9 the emergency hiring enumerated in
10 subparagraph (A); and
11 [~~(C)~~ Individual progress toward licensing; and]
12 ~~(D)~~] (C) The department's efforts to address the
13 shortages described in subparagraph (A); and
14 (5) Providing any other information requested by the
15 board that is pertinent to its powers and duties.
16 (c) The commission's powers and duties under this
17 subpart shall be limited to:
18 (1) Reporting data annually to the board about the
19 supply of, and demand for, teachers in charter
20 schools, including the identification of shortage
21 areas, out-of-field teaching assignments, numbers
22 of classrooms without a licensed teacher for a
23 quarter or more, numbers of teachers teaching

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1 out-of-field, numbers and types of courses and
2 classes taught by out-of-field teachers, and
3 numbers and types of students taught by out-of-
4 field teachers; and

5 ~~[(2) Submitting an annual report to the board~~
6 ~~documenting:~~

7 ~~(A) The number of emergency hires in charter~~
8 ~~schools by subject matter areas and by~~
9 ~~school;~~

10 ~~(B) The reasons and duration of employment for~~
11 ~~the emergency hiring enumerated in~~
12 ~~subparagraph (A); and~~

13 ~~(C) Individual progress toward licensing; and~~

14 ~~(3)]~~ (2) Providing any other information requested by
15 the board that is pertinent to the commission's
16 powers and duties.

17 (d) A charter school's powers and duties under this
18 subpart shall be limited to:

19 (1) Except in emergency situations as described in
20 this chapter, hiring licensed teachers to teach
21 in their fields of licensing;

22 (2) On an emergency and case-by-case basis, hiring
23 unlicensed individuals; provided that:

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- 1 (A) A list of the names, work sites, teaching
- 2 assignments, and progress toward licensing
- 3 of these individuals shall be reported to
- 4 the board and any changes shall be updated
- 5 on a monthly basis by the charter schools;
- 6 (B) There are no properly licensed teachers for
- 7 the specific assignments for which the
- 8 individuals are being hired; and
- 9 (C) No individual may be employed by the charter
- 10 school on an emergency basis for more than
- 11 three years. During this time, the
- 12 individual shall demonstrate active pursuit
- 13 of licensing in each year of employment;
- 14 [and]
- 15 (3) Submitting an annual report to the board
- 16 documenting:
- 17 (A) The number of emergency hires in the charter
- 18 school by subject matter areas;
- 19 (B) The reasons and duration of employment for
- 20 the emergency hiring enumerated in
- 21 subparagraph (A);
- 22 (C) The numbers of classrooms without a licensed
- 23 teacher for a quarter or more;

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1 (D) The numbers and types of courses and classes
2 taught by out-of-field teachers; and

3 (E) The numbers and types of students taught by
4 out-of-field teachers; and

5 ~~[(3)]~~ (4) Providing any other information requested
6 by the board that is pertinent to the charter
7 school's powers and duties."

8 SECTION 3. Statutory material to be repealed is
9 bracketed and stricken. New statutory material is
10 underscored.

11 SECTION 4. This Act shall take effect upon its
12 approval.

13 INTRODUCED BY: 

14 BY REQUEST

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Report Title:

Hawaii Teacher Standards Board; Teachers; Education; Charter School Commission; Report Requirements

Description:

To clarify wording regarding delegation of powers to the Hawaii Teacher Standard Board's Executive Director to timely approve license and permit applications, to include comprehensive reporting of data from Hawaii Department of Education, Charter School Commission, and Charter Schools, of the number of classrooms without a licensed teacher during the school year.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: EDUCATION.

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD.

PURPOSE: To clarify wording regarding delegation of powers to the Hawaii Teacher Standard Board's Executive Director to timely approve license and permit applications, to include comprehensive reporting of data from Hawaii Department of Education, Charter School Commission, and Charter Schools, of the number of classrooms without a licensed teacher during the school year.

MEANS: Amend sections 302A-803(d) and 302A-804, Hawaii Revised Statutes.

JUSTIFICATION: Provides individuals a valid Hawaii teaching license or permit as soon as they meet all requirements and with the Executive Director's approval, making them eligible for consideration for employment in Hawaii public schools. The current wording has this intent but the wording needs clarification.

The Department of Education and Charter School Commission currently report the numbers of emergency hire teachers in public school classrooms. This bill adds the reporting of the number of classrooms that do not have a licensed teacher for more than a quarter of the school year so that those classrooms staffed with substitute teachers are also accounted for, as they are not included in the current reporting requirements. The responsibility for reporting the status of individual teachers employed in charter schools is shifted from the Commission to the individual charter schools, as the school is responsible for

the employment and assignment of its teachers.

The requirement to report each unlicensed individual teacher's progress toward license is removed as this is more appropriately addressed at the employer's school site.

Impact on the public: Provides a more accurate accounting of the number of Hawaii public school classrooms with and without a licensed teacher.

Impact on the department and other agencies: Provides the Department of Education, charter schools, and Hawaii teacher preparation programs with accurate numbers in planning for the training and recruitment of classroom teachers.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of Education, Hawaii Public Charter School Commission, Hawaii Public Charter Schools, Hawaii Teacher Preparation Programs in the University of Hawaii System.

EFFECTIVE DATE: Upon approval.